

In the House of Representatives, U. S.,

June 28, 2010.

Resolved, That the bill from the Senate (S. 1510) entitled “An Act to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “United States Secret*
3 *Service Uniformed Division Modernization Act of 2010”.*

4 ***TITLE I—PERSONNEL RULES***
5 ***FOR UNITED STATES SECRET***
6 ***SERVICE UNIFORMED DIVI-***
7 ***SION***

8 ***SEC. 101. PURPOSE.***

9 *The purpose of this title is to transfer statutory entitle-*
10 *ments to pay and hours of work authorized by laws codified*
11 *in the District of Columbia Official Code for current mem-*
12 *bers of the United States Secret Service Uniformed Division*
13 *from such laws to the United States Code.*

1 **SEC. 102. HUMAN RESOURCES FOR UNITED STATES SECRET**
 2 **SERVICE UNIFORMED DIVISION.**

3 (a) *PAY FOR MEMBERS OF THE UNITED STATES SE-*
 4 *CRET SERVICE UNIFORMED DIVISION.—Subpart I of part*
 5 *III of title 5, United States Code, is amended by adding*
 6 *at the end the following:*

7 **“CHAPTER 102—UNITED STATES SECRET**
 8 **SERVICE UNIFORMED DIVISION PER-**
 9 **SONNEL**

“Sec.

“10201. *Definitions.*

“10202. *Authorities.*

“10203. *Basic pay.*

“10204. *Rate of pay for original appointments.*

“10205. *Service step adjustments.*

“10206. *Technician positions.*

“10207. *Promotions.*

“10208. *Demotions.*

“10209. *Clothing allowances.*

“10210. *Reporting requirement.*

10 **“§ 10201. *Definitions***

11 “*In this chapter—*

12 “(1) *the term ‘member’ means an employee of the*
 13 *United States Secret Service Uniformed Division hav-*
 14 *ing the authorities described under section 3056A(b)*
 15 *of title 18;*

16 “(2) *the term ‘Secretary’ means the Secretary of*
 17 *the Department of Homeland Security; and*

18 “(3) *the term ‘United States Secret Service Uni-*
 19 *formed Division’ has the meaning given that term*
 20 *under section 3056A of title 18.*

1 **“§ 10202. Authorities**

2 “(a) *IN GENERAL.*—*The Secretary is authorized to—*

3 “(1) *fix and adjust rates of basic pay for mem-*
 4 *bers of the United States Secret Service Uniformed*
 5 *Division, subject to the requirements of this chapter;*

6 “(2) *determine what constitutes an acceptable*
 7 *level of competence for the purposes of section 10205;*

8 “(3) *establish and determine the positions at the*
 9 *Officer and Sergeant ranks to be included as techni-*
 10 *cian positions; and*

11 “(4) *determine the rate of basic pay of a member*
 12 *who is changed or demoted to a lower rank, in ac-*
 13 *cordance with section 10208.*

14 “(b) *DELEGATION OF AUTHORITY.*—*The Secretary is*
 15 *authorized to delegate to the designated agent or agents of*
 16 *the Secretary, any power or function vested in the Secretary*
 17 *under in this chapter.*

18 “(c) *REGULATIONS.*—*The Secretary may prescribe*
 19 *such regulations as may be necessary to administer this*
 20 *chapter.*

21 **“§ 10203. Basic pay**

22 “(a) *IN GENERAL.*—*The annual rates of basic pay of*
 23 *members of the United States Secret Service Uniformed Di-*
 24 *vision shall be fixed in accordance with the following sched-*
 25 *ule of rates, except that the payable annual rate of basic*
 26 *pay for positions at the Lieutenant, Captain, and Inspector*

- 1 *ranks is limited to 95 percent of the rate of pay for level*
- 2 *V of the Executive Schedule under subchapter II of chapter*
- 3 *53.*

Rank	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
Officer	\$44,000	\$46,640	\$49,280	\$51,920	\$54,560	\$57,200	\$59,840	\$62,480	\$65,120	\$67,760	\$70,400	\$73,040	\$75,680
Sergeant .....	.....	.....	.....	59,708	62,744	65,780	68,816	71,852	74,888	77,924	80,960	83,996	87,032
Lieutenant .....	.....	.....	.....	.....	69,018	72,358	75,698	79,038	82,378	85,718	89,058	92,398	95,738
Captain .....	.....	.....	.....	.....	.....	79,594	83,268	86,942	90,616	94,290	97,964	101,638	105,312
Inspector .....	.....	.....	.....	.....	.....	91,533	95,758	99,983	104,208	108,433	112,658	116,883	121,108
Deputy Chief	The rate of basic pay for Deputy Chief positions will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Assistant Chief	The rate of basic pay for Assistant Chief position will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Chief	The rate of basic pay for the Chief position will be equal to the rate of pay for level V of the Executive Schedule.												

1 “(b) *SCHEDULE ADJUSTMENT.*—

2 “(1)(A) *Effective at the beginning of the first*
 3 *pay period commencing on or after the first day of*
 4 *the month in which an adjustment in the rates of*
 5 *basic pay under the General Schedule takes effect*
 6 *under section 5303 or other authority, the schedule of*
 7 *annual rates of basic pay of members (except the Dep-*
 8 *uty Chiefs, Assistant Chief and Chief) shall be ad-*
 9 *justed by the Secretary by a percentage amount cor-*
 10 *responding to the percentage adjustment made in the*
 11 *rates of pay under the General Schedule.*

12 “(B) *The Secretary may establish a methodology*
 13 *of schedule adjustment that—*

14 “(i) *results in uniform fixed-dollar step in-*
 15 *crements within any given rank; and*

16 “(ii) *preserves the established percentage*
 17 *differences among rates of different ranks at the*
 18 *same step position.*

19 “(2) *Notwithstanding paragraph (1), the payable*
 20 *annual rate of basic pay for positions at the Lieuten-*
 21 *ant, Captain, and Inspector ranks after adjustment*
 22 *under paragraph (1) may not exceed 95 percent of the*
 23 *rate of pay for level V of the Executive Schedule*
 24 *under subchapter II of chapter 53.*

1 “(3) *Locality-based comparability payments au-*
 2 *thorized under section 5304 shall be applicable to the*
 3 *basic pay for all ranks under this section, except lo-*
 4 *cality-based comparability payments may not be paid*
 5 *at a rate which, when added to the rate of basic pay*
 6 *otherwise payable to the member, would cause the*
 7 *total to exceed the rate of basic pay payable for level*
 8 *IV of the Executive Schedule.*

9 **“§ 10204. Rate of pay for original appointments**

10 “(a) *IN GENERAL.*—*Except as provided in subsection*
 11 *(b), all original appointments shall be made at the min-*
 12 *imum rate of basic pay for the Officer rank set forth in*
 13 *the schedule in section 10203.*

14 “(b) *EXCEPTION FOR SUPERIOR QUALIFICATIONS OR*
 15 *SPECIAL NEED.*—*The Director of the United States Secret*
 16 *Service or the designee of the Director may appoint an indi-*
 17 *vidual at a rate above the minimum rate of basic pay for*
 18 *the Officer rank based on the individual’s superior quali-*
 19 *fications or a special need of the Government for the indi-*
 20 *vidual’s services.*

21 **“§ 10205. Service step adjustments**

22 “(a) *DEFINITION.*—*In this section, the term ‘calendar*
 23 *week of active service’ includes all periods of leave with pay*
 24 *or other paid time off, and periods of non-pay status which*
 25 *do not cumulatively equal one 40-hour workweek.*

1 “(b) *ADJUSTMENTS.*—*Each member whose current*
 2 *performance is at an acceptable level of competence shall*
 3 *have a service step adjustment as follows:*

4 “(1) *Each member in service step 1, 2, or 3 shall*
 5 *be advanced successively to the next higher service*
 6 *step at the beginning of the first pay period imme-*
 7 *diately following the completion of 52 calendar weeks*
 8 *of active service in the member’s service step.*

9 “(2) *Each member in service step 4, 5, 6, 7, 8,*
 10 *9, 10, or 11 shall be advanced successively to the next*
 11 *higher service step at the beginning of the first pay*
 12 *period immediately following the completion of 104*
 13 *calendar weeks of active service in the member’s serv-*
 14 *ice step.*

15 “(3) *Each member in service step 12 shall be ad-*
 16 *vanced successively to the next higher service step at*
 17 *the beginning of the first pay period immediately fol-*
 18 *lowing the completion of 156 calendar weeks of active*
 19 *service in the member’s service step.*

20 **“§ 10206. Technician positions**

21 “(a) *IN GENERAL.*—(1) *Each member whose position*
 22 *is determined under section 10202(a)(3) to be included as*
 23 *a technician position shall, on or after such date, receive,*
 24 *in addition to the member’s scheduled rate of basic pay,*
 25 *an amount equal to 6 percent of the sum of such member’s*

1 *rate of basic pay and the applicable locality-based com-*
 2 *parability payment.*

3 “(2) *A member described in this subsection shall re-*
 4 *ceive the additional compensation authorized by this sub-*
 5 *section until such time as the member’s position is deter-*
 6 *mined under section 10202(a)(3) not to be a technician po-*
 7 *sition, or until the member no longer occupies such position,*
 8 *whichever occurs first.*

9 “(3) *The additional compensation authorized by this*
 10 *subsection shall be paid to a member in the same manner*
 11 *and at the same time as the member’s basic pay is paid.*

12 “(b) *EXCEPTIONS.—(1) Except as provided in para-*
 13 *graph (2), the additional compensation authorized by sub-*
 14 *section (a)(1) shall be considered as basic pay for all pur-*
 15 *poses, including section 8401(4).*

16 “(2) *The additional compensation authorized by sub-*
 17 *section (a)(1) shall not be considered as basic pay for the*
 18 *purposes of—*

19 “(A) *section 5304; or*

20 “(B) *section 7511(a)(4).*

21 “(3) *The loss of the additional compensation author-*
 22 *ized by subsection (a)(1) shall not constitute an adverse ac-*
 23 *tion for the purposes of section 7512.*

1 **“§ 10207. Promotions**

2 “(a) *IN GENERAL.*—*Each member who is promoted to*
3 *a higher rank shall receive basic pay at the same step at*
4 *which such member was being compensated prior to the date*
5 *of the promotion.*

6 “(b) *CREDIT FOR SERVICE.*—*For the purposes of a*
7 *service step adjustment under section 10205, periods of serv-*
8 *ice at the lower rank shall be credited in the same manner*
9 *as if it was service at the rank to which the employee is*
10 *promoted.*

11 **“§ 10208. Demotions**

12 “*When a member is changed or demoted from any rank*
13 *to a lower rank, the Secretary may fix the member’s rate*
14 *of basic pay at the rate of pay for any step in the lower*
15 *rank which does not exceed the lowest step in the lower rank*
16 *for which the rate of basic pay is equal to or greater than*
17 *the member’s existing rate of basic pay.*

18 **“§ 10209. Clothing allowances**

19 “(a) *IN GENERAL.*—*In addition to the benefits pro-*
20 *vided under section 5901, the Director of the United States*
21 *Secret Service or the designee of the Director is authorized*
22 *to provide a clothing allowance to a member assigned to*
23 *perform duties in normal business or work attire purchased*
24 *at the discretion of the employee. Such clothing allowance*
25 *shall not to be treated as part of the member’s basic pay*
26 *for any purpose (including retirement purposes) and shall*

1 *not be used for the purpose of computing the member's over-*
 2 *time pay, pay during leave or other paid time off, lump-*
 3 *sum payments under section 5551 or section 5552, workers'*
 4 *compensation, or any other benefit. Such allowance for any*
 5 *member may be discontinued at any time upon written no-*
 6 *tification by the Director of the United States Secret Service*
 7 *or the designee of the Director.*

8 “(b) *MAXIMUM AMOUNT AUTHORIZED.*—A clothing al-
 9 *lowance authorized under this section shall not exceed \$500*
 10 *per annum.*

11 **“§ 10210. Reporting requirement**

12 “Not later than 3 years after the date of the enactment
 13 of this chapter, the Secretary shall prepare and transmit
 14 to Congress a report on the operation of this chapter. The
 15 report shall include—

16 “(1) *an assessment of the effectiveness of this*
 17 *chapter with respect to efforts of the Secretary to re-*
 18 *cruit and retain well-qualified personnel; and*

19 “(2) *recommendations for any legislation or ad-*
 20 *ministrative action which the Secretary considers ap-*
 21 *propriate.”.*

22 (b) *ANNUAL LEAVE LIMITATION FOR MEMBERS IN THE*
 23 *DEPUTY CHIEF, ASSISTANT CHIEF, AND CHIEF RANKS.*—
 24 *Section 6304(f)(1) of title 5, United States Code, is amend-*
 25 *ed—*

1 (1) in subparagraph (F), by striking “or” after
2 the semicolon;

3 (2) in subparagraph (G), by striking the period
4 and inserting “; or”; and

5 (3) by adding at the end the following:

6 “(H) a position in the United States Secret
7 Service Uniformed Division at the rank of Dep-
8 uty Chief, Assistant Chief, or Chief.”.

9 (c) *SICK LEAVE FOR WORK-RELATED INJURIES AND*
10 *ILLNESSES*.—Section 6324 of title 5, United States Code,
11 is amended—

12 (1) in subsection (a), by striking “Executive Pro-
13 tective Service force” and inserting “United States
14 Secret Service Uniformed Division”;

15 (2) in subsection (b)(3), by striking “the Treas-
16 ury for the Executive Protective Service force” and
17 inserting “Homeland Security for the United States
18 Secret Service Uniformed Division”; and

19 (3) by adding at the end the following:

20 “(c) This section shall not apply to members of the
21 United States Secret Service Uniformed Division who are
22 covered under chapter 84 for the purpose of retirement bene-
23 fits.”.

24 **SEC. 103. MISCELLANEOUS PROVISIONS.**

25 (a) *CONVERSION TO NEW SALARY SCHEDULE*.—

1 (1) *IN GENERAL.*—

2 (A) *RATES OF PAY FIXED.*—Effective the
3 first day of the first pay period which begins
4 after the date of the enactment of this Act, the
5 Secretary shall fix the rates of basic pay for
6 members of the United States Secret Service
7 Uniformed Division, as defined under section
8 10201 of title 5, United States Code, (as added
9 by section 102(a)) in accordance with the provi-
10 sions of this subsection.

11 (B) *RATE BASED ON CREDITABLE SERV-*
12 *ICE.*—

13 (i) *IN GENERAL.*—Each member shall
14 be placed in and receive basic pay at the
15 corresponding scheduled rate under chapter
16 102 of title 5, United States Code, as added
17 by section 102(a) (after any adjustment
18 under paragraph (3) of this subsection) in
19 accordance with the member's total years of
20 creditable service, as provided in the table
21 in this clause. If the scheduled rate of basic
22 pay for the step to which the member would
23 be assigned in accordance with this para-
24 graph is lower than the member's rate of
25 basic pay immediately before the date of en-

1 *actment of this paragraph, the member shall*
2 *be placed in and receive basic pay at the*
3 *next higher service step, subject to the provi-*
4 *sions of clause (iv). If the member's rate of*
5 *pay exceeds the highest step of the rank, the*
6 *rate of basic pay shall be determined in ac-*
7 *cordance with clause (iv).*

<i>Full Years of Creditable Service</i>	<i>Step Assigned Upon Conversion</i>
<i>0</i>	<i>1</i>
<i>1</i>	<i>2</i>
<i>2</i>	<i>3</i>
<i>3</i>	<i>4</i>
<i>5</i>	<i>5</i>
<i>7</i>	<i>6</i>
<i>9</i>	<i>7</i>
<i>11</i>	<i>8</i>
<i>13</i>	<i>9</i>
<i>15</i>	<i>10</i>
<i>17</i>	<i>11</i>
<i>19</i>	<i>12</i>
<i>22</i>	<i>13</i>

8 *(ii) CREDITABLE SERVICE.—For the*
9 *purposes of this subsection, a member's*
10 *creditable service is any police service in*
11 *pay status with the United States Secret*
12 *Service Uniformed Division, the United*

1 *States Park Police, or the District of Co-*
 2 *lumbia Metropolitan Police Department.*

3 *(iii) STEP 13 CONVERSION MAXIMUM*
 4 *RATE.—*

5 *(I) IN GENERAL.—A member who,*
 6 *at the time of conversion, is in step 13*
 7 *of any rank below Deputy Chief, is en-*
 8 *titled to that rate of basic pay which*
 9 *is the greater of—*

10 *(aa) the rate of pay for step*
 11 *13 under the new salary schedule;*
 12 *or*

13 *(bb) the rate of pay for step*
 14 *14 under the pay schedule in ef-*
 15 *fect immediately before conver-*
 16 *sion.*

17 *(II) STEP 14 RATE.—Clause (iv)*
 18 *shall apply to a member whose pay is*
 19 *set in accordance with subclause*
 20 *(I)(bb).*

21 *(iv) ADJUSTMENT BASED ON FORMER*
 22 *RATE OF PAY.—*

23 *(I) DEFINITION.—In this clause,*
 24 *the term “former rate of basic pay”*
 25 *means the rate of basic pay last re-*

1 *ceived by a member before the conver-*
 2 *sion.*

3 (II) *IN GENERAL.*—*If, as a result*
 4 *of conversion to the new salary sched-*
 5 *ule, the member's former rate of basic*
 6 *pay is greater than the maximum rate*
 7 *of basic pay payable for the rank of the*
 8 *member's position immediately after*
 9 *the conversion, the member is entitled*
 10 *to basic pay at a rate equal to the*
 11 *member's former rate of basic pay, and*
 12 *increased at the time of any increase*
 13 *in the maximum rate of basic pay*
 14 *payable for the rank of the member's*
 15 *position by 50 percent of the dollar*
 16 *amount of each such increase.*

17 (III) *PROMOTIONS.*—*For the pur-*
 18 *pose of applying section 10207 of title*
 19 *5, United States Code, relating to pro-*
 20 *motions, (as added by section 102(a))*
 21 *an employee receiving a rate above the*
 22 *maximum rate as provided under this*
 23 *clause shall be deemed to be at step 13.*

24 (2) *CREDIT FOR SERVICE.*—*Each member whose*
 25 *position is converted to the salary schedule under*

1 *chapter 102 of title 5, United States Code, (as added*
2 *by section 102(a)) in accordance with this subsection*
3 *shall be granted credit for purposes of such member's*
4 *first service step adjustment made after conversion to*
5 *the salary schedule under that chapter for all satisfac-*
6 *tory service performed by the member since the mem-*
7 *ber's last increase in basic pay before the adjustment*
8 *under this section.*

9 (3) *ADJUSTMENTS DURING TRANSITION.—The*
10 *schedule of rates of basic pay shall be increased by the*
11 *percentage of any annual adjustment applicable to*
12 *the General Schedule authorized under section 5303 of*
13 *title 5, United States Code, or any other authority,*
14 *which takes effect during the period beginning on*
15 *January 1, 2010, through the last day of the last pay*
16 *period preceding the first pay period which begins*
17 *after the date of the enactment of this Act. The Sec-*
18 *retary of Homeland Security may establish a method-*
19 *ology of schedule adjustment that results in uniform*
20 *fixed-dollar step increments within any given rank*
21 *and preserves the established percentage differences*
22 *among rates of different ranks at the same step posi-*
23 *tion.*

1 (b) *IMPACT ON BENEFITS UNDER THE DISTRICT OF*
 2 *COLUMBIA POLICE AND FIREFIGHTERS' RETIREMENT AND*
 3 *DISABILITY SYSTEM.*—

4 (1) *SALARY INCREASES FOR PURPOSES OF CER-*
 5 *TAIN PENSIONS AND ALLOWANCES.*—*The conversion of*
 6 *positions and members of the United States Secret*
 7 *Service Uniformed Division to appropriate ranks in*
 8 *the salary schedule set forth in this title and the*
 9 *amendments made by this title, and the initial ad-*
 10 *justments of rates of basic pay of those positions and*
 11 *individuals in accordance with this title and the*
 12 *amendments made by this title, shall be treated as an*
 13 *increase of 2.50 percent in the salary of current mem-*
 14 *bers for purposes of section 3 of the Act entitled “An*
 15 *Act to provide increased pensions for widows and*
 16 *children of deceased members of the Police Depart-*
 17 *ment and the Fire Department of the District of Co-*
 18 *lumbia”, approved August 4, 1949 (sec. 5-744, D.C.*
 19 *Official Code) and section 301 of the District of Co-*
 20 *lumbia Police and Firemen's Salary Act of 1953 (sec.*
 21 *5-745, D.C. Official Code).*

22 (2) *TREATMENT OF RETIREMENT BENEFITS AND*
 23 *PENSIONS OF CURRENT AND FORMER MEMBERS.*—*Ex-*
 24 *cept as otherwise provided in this title, nothing in*
 25 *this title shall affect retirement benefits and pensions*

1 *of current members and former members who have re-*
 2 *tired under the District of Columbia Police and Fire-*
 3 *fighters' Retirement and Disability System.*

4 **SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS.**

5 *(a) IN GENERAL.—To the extent that any provision*
 6 *of any law codified in the District of Columbia Official*
 7 *Code that authorizes an entitlement to pay or hours of work*
 8 *for current members of the United States Secret Service*
 9 *Uniformed Division is not expressly revoked by this title,*
 10 *such provision shall not apply to such members after the*
 11 *effective date of this Act.*

12 *(b) TECHNICAL AND CONFORMING AMENDMENTS TO*
 13 *LAWS CODIFIED IN DISTRICT OF COLUMBIA OFFICIAL*
 14 *CODE.—The following laws codified in the District of Co-*
 15 *lumbia Official Code are amended as follows:*

16 *(1) The Act entitled “An Act to provide for*
 17 *granting to officers and members of the Metropolitan*
 18 *Police force, the Fire Department of the District of*
 19 *Columbia, and the White House and United States*
 20 *Park Police forces additional compensation for work-*
 21 *ing on holidays”, approved October 24, 1951, is*
 22 *amended—*

23 *(A) in the second sentence of section 1 (sec.*
 24 *5–521.01, D.C. Official Code), by striking “the*
 25 *Fire Department of the District of Columbia,”*

1 *and all that follows through “and the United*
 2 *States Park Police Force” and inserting “the*
 3 *Fire Department of the District of Columbia,*
 4 *and the United States Park Police Force”;*

5 *(B) in section 2 (sec. 5–521.02, D.C. Offi-*
 6 *cial Code), by striking “and with respect” and*
 7 *all that follows through “United States Park Po-*
 8 *lice force” and inserting “and with respect to of-*
 9 *ficers and members of the United States Park*
 10 *Police force”; and*

11 *(C) in section 3 (sec. 5–521.03, D.C. Offi-*
 12 *cial Code), by striking “shall be applicable” and*
 13 *all that follows and inserting the following:*
 14 *“shall be applicable to the United States Park*
 15 *Police force under regulations promulgated by*
 16 *the Secretary of the Interior.”.*

17 *(2) The District of Columbia Police and Fire-*
 18 *men’s Salary Act of 1958 is amended as follows:*

19 *(A) In section 202 (sec. 5–542.02, D.C. Offi-*
 20 *cial Code), by striking “United States Secret*
 21 *Service Uniformed Division,”.*

22 *(B) In section 301(b) (sec. 5–543.01(b),*
 23 *D.C. Official Code), by striking “the United*
 24 *States Secret Service Uniformed Division,”.*

1 (C) *In section 302 (sec. 5–543.02, D.C. Offi-*
 2 *cial Code)*—

3 (i) *in subsection (a), by striking “the*
 4 *Secretary of Treasury, in the case of the*
 5 *United States Secret Service Uniformed Di-*
 6 *vision,”;*

7 (ii) *in subsection (b), by striking “the*
 8 *United States Secret Service Uniformed Di-*
 9 *vision or”;* and

10 (iii) *in subsection (e), by striking “the*
 11 *United States Secret Service Uniformed Di-*
 12 *vision or”.*

13 (D) *In section 303(a)(5) (sec. 5–*
 14 *543.03(a)(5), D.C. Official Code), by striking*
 15 *“the United States Secret Service Uniformed Di-*
 16 *vision and”.*

17 (E) *In section 304(d)(1) (sec. 5–*
 18 *543.04(d)(1)), by striking “the United States Se-*
 19 *cret Service Uniformed Division or”.*

20 (F) *In section 305 (sec. 5–543.05, D.C. Offi-*
 21 *cial Code)*—

22 (i) *by striking “the United States Se-*
 23 *cret Service Uniformed Division,”;* and

24 (ii) *by striking “or the Secretary of the*
 25 *Treasury,”.*

1 (G) *In section 501 (sec. 5–545.01, D.C. Offi-*
 2 *cial Code)*—

3 (i) *in subsection (a), by striking “and*
 4 *the United States Secret Service Uniformed*
 5 *Division”;*

6 (ii) *in subsection (c)(1)—*

7 (I) *by striking “the United States*
 8 *Secret Service Uniformed Division*
 9 *and”;* and

10 (II) *in the schedule set forth in*
 11 *such subsection, by striking “United*
 12 *States Secret Service Uniformed Divi-*
 13 *sion”;*

14 (iii) *in subsection (c)(2), by striking*
 15 *“the annual rates of basic compensation”*
 16 *and all that follows through “the Secretary*
 17 *of the Treasury, and”;*

18 (iv) *in subsection (c)(5), by striking*
 19 *“officers and members of the United States*
 20 *Secret Service Uniformed Division or”;*

21 (v) *in subsection (c)(6)(A), by striking*
 22 *“the United States Secret Service Uni-*
 23 *formed Division or”;* and

1 (vi) in subsection (c)(7)(A), by striking
 2 “the United States Secret Service Uni-
 3 formed Division or”.

4 (H) In section 506 (sec. 5–545.06, D.C. Of-
 5 ficial Code), by striking “, the Secretary of the
 6 Treasury,”.

7 (3) Section 118 of the Treasury and General
 8 Government Appropriations Act, 1998, is amended by
 9 striking subsection (b) (sec. 5–561.01, D.C. Official
 10 Code).

11 (4) Section 905(a)(1) of the Law Enforcement
 12 Pay Equity Act of 2000 (Public Law 106–554; sec. 5–
 13 561.02(a)(1), D.C. Official Code) is amended by strik-
 14 ing “the Secretary of Treasury” and all that follows
 15 through “United States Secret Service Uniformed Di-
 16 vision, and”.

17 (5) Subsection (k)(2)(B) of the Policemen and
 18 Firemen’s Retirement and Disability Act (sec. 5–
 19 716(b)(2), D.C. Official Code) is amended by insert-
 20 ing “, or, for a member who was an officer or member
 21 of the United States Secret Service Uniformed Divi-
 22 sion, or the United States Secret Service Division, 40
 23 percent of the corresponding salary for step 5 of the
 24 Officer rank in section 10203 of title 5, United States
 25 Code” after “member’s death”.

(6) *Section 1 of the Act entitled “An Act to provide a 5-day week for officers and members of the Metropolitan Police force, the United States Park Police force, and the White House Police force, and for other purposes”, approved August 15, 1950 (sec. 5–1304, D.C. Official Code), is amended—*

(A) in subsection (a)(1)—

(i) by inserting “and” before “the Secretary of the Interior”; and

(ii) by striking “, and the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division”;

(B) in subsection (a)(9)—

(i) by inserting “or” before “the United States Park Police force”; and

(ii) by striking “or the United States Secret Service Uniformed Division”;

(C) in subsection (b)—

(i) by inserting “or” before “the Secretary of the Interior”; and

(ii) by striking “or the Secretary of the Treasury,”;

(D) in subsection (h)(3)(A), by striking “of the United States Secret Service Uniformed Division or”; and

1 (E) in subsection (h)(3)(B), by striking “of
2 the United States Secret Service Uniformed Di-
3 vision or”.

4 (7) Section 117(a) of the District of Columbia
5 Police and Firemen’s Salary Act Amendments of
6 1972 (sec. 5–1305, D.C. Official Code) is amended—

7 (A) by striking “the Fire Department of the
8 District of Columbia,” and all that follows
9 through “or the United States Park Police force”
10 and inserting “the Fire Department of the Dis-
11 trict of Columbia, or the United States Park Po-
12 lice force”; and

13 (B) by striking “, the Secretary of the
14 Treasury,”.

15 (c) *TECHNICAL AND CONFORMING AMENDMENTS TO*
16 *THE UNITED STATES CODE.*—Title 5 of the United States
17 Code is amended—

18 (1) in section 5102(c)(5), by striking “the Execu-
19 tive Protective Service” and inserting “the United
20 States Secret Service Uniformed Division”;

21 (2) in section 5541(2)(iv)(II), by striking “a
22 member of the United States Secret Service Uni-
23 formed Division,”; and

24 (3) in the table of chapters for subpart I of part
25 III by adding at the end the following:

**“102. United States Secret Service Uniformed Division
Personnel10201”.**

1 SEC. 105. EFFECTIVE DATE.

2 *This title and the amendments made by this title shall*
3 *take effect on the first day of the first pay period which*
4 *begins after the date of the enactment of this Act.*

5 TITLE II—FEDERAL REAL PROP-
6 **ERTY DISPOSAL ENHANCE-**
7 **MENT**

8 SEC. 201. SHORT TITLE.

9 *This title may be cited as the “Federal Real Property*
10 *Disposal Enhancement Act of 2010”.*

11 SEC. 202. DUTIES OF THE GENERAL SERVICES ADMINISTRA-
12 **TION AND EXECUTIVE AGENCIES.**

13 *(a) IN GENERAL.—Section 524 of title 40, United*
14 *States Code, is amended to read as follows:*

15 “§ 524. Duties of the General Services Administration
16 **and executive agencies**

17 *“(a) DUTIES OF THE GENERAL SERVICES ADMINIS-*
18 *TRATION.—*

19 *“(1) GUIDANCE.—The Administrator shall issue*
20 *guidance for the development and implementation of*
21 *agency real property plans. Such guidance shall in-*
22 *clude recommendations on—*

23 *“(A) how to identify excess properties;*

1 “(B) how to evaluate the costs and benefits
2 involved with disposing of real property;

3 “(C) how to prioritize disposal decisions
4 based on agency missions and anticipated future
5 need for holdings; and

6 “(D) how best to dispose of those properties
7 identified as excess to the needs of the agency.

8 “(2) ANNUAL REPORT.—(A) The Administrator
9 shall submit an annual report, for each of the first 5
10 years after 2010, to the congressional committees list-
11 ed in subparagraph (C) based on data submitted from
12 all executive agencies, detailing executive agency ef-
13 forts to reduce their real property assets and the addi-
14 tional information described in subparagraph (B).

15 “(B) The report shall contain the following infor-
16 mation for the year covered by the report:

17 “(i) The aggregated estimated market value
18 and number of real property assets under the
19 custody and control of all executive agencies, set
20 forth government-wide and by agency, and for
21 each at the constructed asset level and at the fa-
22 cility/installation level.

23 “(ii) The aggregated estimated market value
24 and number of surplus real property assets
25 under the custody and control of all executive

1 *agencies, set forth government-wide and by agen-*
 2 *cy, and for each at the constructed asset level*
 3 *and at the facility/installation level.*

4 *“(iii)(I) The aggregated cost for maintain-*
 5 *ing all surplus real property under the custody*
 6 *and control of all executive agencies, set forth*
 7 *government-wide and by agency, and for each at*
 8 *the constructed asset level and at the facility/in-*
 9 *stallation level.*

10 *“(II) For purposes of subclause (I), costs for*
 11 *real properties owned by the Federal Government*
 12 *shall include recurring maintenance and repair*
 13 *costs, utilities, cleaning and janitorial costs, and*
 14 *roads and grounds expenses.*

15 *“(III) For purposes of subclause (I), costs*
 16 *for real properties leased by the Federal Govern-*
 17 *ment shall include lease costs, including base and*
 18 *operating rent and any other relevant costs listed*
 19 *in subclause (II) not covered in the lease con-*
 20 *tract.*

21 *“(iv) The aggregated estimated deferred*
 22 *maintenance costs of all real property under the*
 23 *custody and control of all executive agencies, set*
 24 *forth government-wide and by agency, and for*

1 *each at the constructed asset level and at the fa-*
 2 *cility/installation level.*

3 “(v) *For each surplus real property facility/*
 4 *installation disposed of, an indication of—*

5 “(I) *its geographic location with ad-*
 6 *dress and description;*

7 “(II) *its size, including square footage*
 8 *and acreage;*

9 “(III) *the date and method of disposal;*
 10 *and*

11 “(IV) *its estimated market value.*

12 “(vi) *Such other information as the Admin-*
 13 *istrator considers appropriate.*

14 “(C) *The congressional committees listed in this*
 15 *subparagraph are as follows:*

16 “(i) *The Committee on Oversight and Gov-*
 17 *ernment Reform and the Committee on Trans-*
 18 *portation and Infrastructure of the House of*
 19 *Representatives.*

20 “(ii) *The Committee on Homeland Security*
 21 *and Governmental Affairs and the Committee on*
 22 *Environment and Public Works of the Senate.*

23 “(3) *ASSISTANCE.—The Administrator shall as-*
 24 *sist executive agencies in the identification and dis-*
 25 *posal of excess real property.*

1 “(b) *DUTIES OF EXECUTIVE AGENCIES.*—

2 “(1) *IN GENERAL.*—*Each executive agency*
3 *shall—*

4 “(A) *maintain adequate inventory controls*
5 *and accountability systems for property under*
6 *its control;*

7 “(B) *continuously survey property under its*
8 *control to identify excess property;*

9 “(C) *promptly report excess property to the*
10 *Administrator;*

11 “(D) *perform the care and handling of ex-*
12 *cess property; and*

13 “(E) *transfer or dispose of excess property*
14 *as promptly as possible in accordance with au-*
15 *thority delegated and regulations prescribed by*
16 *the Administrator.*

17 “(2) *SPECIFIC REQUIREMENTS WITH RESPECT*
18 *TO REAL PROPERTY.*—*With respect to real property,*
19 *each executive agency shall—*

20 “(A) *develop and implement a real property*
21 *plan in order to identify properties to declare as*
22 *excess using the guidance issued under subsection*
23 *(a)(1);*

1 “(B) identify and categorize all real prop-
2 erty owned, leased, or otherwise managed by the
3 agency;

4 “(C) establish adequate goals and incentives
5 that lead the agency to reduce excess real prop-
6 erty in its inventory; and

7 “(D) when appropriate, use the authorities
8 in section 572(a)(2)(B) of this title in order to
9 identify and prepare real property to be reported
10 as excess.

11 “(3) *ADDITIONAL REQUIREMENTS.*—Each execu-
12 tive agency, as far as practicable, shall—

13 “(A) reassign property to another activity
14 within the agency when the property is no longer
15 required for the purposes of the appropriation
16 used to make the purchase;

17 “(B) transfer excess property under its con-
18 trol to other Federal agencies and to organiza-
19 tions specified in section 321(c)(2) of this title;
20 and

21 “(C) obtain excess properties from other
22 Federal agencies to meet mission needs before ac-
23 quiring non-Federal property.”.

1 (b) *CLERICAL AMENDMENT.*—*The item relating to sec-*
 2 *tion 524 in the table of sections at the beginning of chapter*
 3 *5 of such title is amended to read as follows:*

“524. Duties of the General Services Administration and executive agencies.”.

4 **SEC. 203. ENHANCED AUTHORITIES WITH REGARD TO PRE-**
 5 **PARING PROPERTIES TO BE REPORTED AS**
 6 **EXCESS.**

7 Section 572(a)(2) of title 40, United States Code, is
 8 amended—

9 (1) by redesignating subparagraphs (B) and (C)
 10 as subparagraphs (C) and (D), respectively; and

11 (2) by inserting after subparagraph (A) the fol-
 12 lowing new subparagraph:

13 “(B) *ADDITIONAL AUTHORITY.*—(i) *From*
 14 *the fund described in paragraph (1), subject to*
 15 *clause (iv), the Administrator may obligate an*
 16 *amount to pay the direct and indirect costs re-*
 17 *lated to identifying and preparing properties to*
 18 *be reported excess by another agency.*

19 “(ii) *The General Services Administration*
 20 *shall be reimbursed from the proceeds of the sale*
 21 *of such properties for such costs.*

22 “(iii) *Net proceeds shall be dispersed pursu-*
 23 *ant to section 571 of this title.*

24 “(iv) *The authority under clause (i) to obli-*
 25 *gate funds to prepare properties to be reported*

1 *excess does not include the authority to convey*
 2 *such properties by use, sale, lease, exchange, or*
 3 *otherwise, including through leaseback arrange-*
 4 *ments or service agreements.*

5 “(v) *Nothing in this subparagraph is in-*
 6 *tended to affect subparagraph (D).”.*

7 **SEC. 204. ENHANCED AUTHORITIES WITH REGARD TO RE-**
 8 **VERTED REAL PROPERTY.**

9 (a) *AUTHORITY TO PAY EXPENSES RELATED TO RE-*
 10 *VERTED REAL PROPERTY.*—Section 572(a)(2)(A) of title
 11 40, United States Code, is amended by adding at the end
 12 the following:

13 “(iv) *The direct and indirect costs as-*
 14 *sociated with the reversion, custody, and*
 15 *disposal of reverted real property.”.*

16 (b) *REQUIREMENTS RELATED TO SALES OF RE-*
 17 *VERTED PROPERTY UNDER SECTION 550.*—Section
 18 550(b)(1) of title 40, United States Code, is amended—

19 (1) by inserting “(A)” after “(1) *IN GENERAL.*—
 20 ”; and

21 (2) by adding at the end the following: “*If the*
 22 *official, in consultation with the Administrator, rec-*
 23 *ommends reversion of the property, the Administrator*
 24 *shall take control of such property, and, subject to*
 25 *subparagraph (B), sell it at or above appraised fair*

1 *market value for cash and not by lease, exchange,*
 2 *leaseback arrangements, or service agreements.*

3 *“(B) Prior to sale, the Administrator shall make*
 4 *such property available to State and local govern-*
 5 *ments and certain non-profit institutions or organi-*
 6 *zations pursuant to this section and sections 553 and*
 7 *554 of this title.”.*

8 *(c) REQUIREMENTS RELATED TO SALES OF RE-*
 9 *VERTED PROPERTY UNDER SECTION 553.—Section 553(e)*
 10 *of title 40, United States Code, is amended—*

11 *(1) by inserting “(1)” after “THIS SECTION.—”;*
 12 *and*

13 *(2) by adding at the end the following: “If the*
 14 *Administrator determines that reversion of the prop-*
 15 *erty is necessary to enforce compliance with the terms*
 16 *of the conveyance, the Administrator shall take con-*
 17 *trol of such property and, subject to paragraph (2),*
 18 *sell it at or above appraised fair market value for*
 19 *cash and not by lease, exchange, leaseback arrange-*
 20 *ments, or service agreements.*

21 *“(2) Prior to sale, the Administrator shall make such*
 22 *property available to State and local governments and cer-*
 23 *tain non-profit institutions or organizations pursuant to*
 24 *this section and sections 550 and 554 of this title.”.*

1 (d) *REQUIREMENTS RELATED TO SALES OF RE-*
 2 *VERTED PROPERTY UNDER SECTION 554.—Section 554(f)*
 3 *of title 40, United States Code, is amended—*

4 (1) *by inserting “(1)” after “THIS SECTION.—”;*
 5 *and*

6 (2) *by adding at the end the following: “If the*
 7 *Secretary, in consultation with the Administrator,*
 8 *recommends reversion of the property, the Adminis-*
 9 *trator shall take control of such property and, subject*
 10 *to paragraph (2), sell it at or above appraised fair*
 11 *market value for cash and not by lease, exchange,*
 12 *leaseback arrangements, or service agreements.*

13 “(2) *Prior to sale, the Administrator shall make such*
 14 *property available to State and local governments and cer-*
 15 *tain non-profit institutions or organizations pursuant to*
 16 *this section and sections 550 and 553 of this title.”.*

17 **SEC. 205. AGENCY RETENTION OF PROCEEDS.**

18 *The text of section 571 of title 40, United States Code,*
 19 *is amended to read as follows:*

20 “(a) *PROCEEDS FROM TRANSFER OR SALE OF REAL*
 21 *PROPERTY.—Net proceeds described in subsection (d) shall*
 22 *be deposited into the appropriate real property account of*
 23 *the agency that had custody and accountability for the real*
 24 *property at the time the real property is determined to be*
 25 *excess. Such funds shall be expended only for activities as*

1 *described in section 524(b) of this title and disposal activi-*
 2 *ties, including paying costs incurred by the General Serv-*
 3 *ices Administration for any disposal-related activity au-*
 4 *thorized by this title. Such funds may also be expended by*
 5 *the agency for maintenance and repairs of the agency's real*
 6 *property necessary for its disposal or for the repair or alter-*
 7 *ation of the agency's other real property. Such funds are*
 8 *available only to the extent and in the amounts provided*
 9 *in annual appropriations Acts, except that such funds shall*
 10 *not be authorized for expenditure in an appropriations Act*
 11 *for any repair or alteration project that is subject to the*
 12 *requirements of section 3307 of this title without a pro-*
 13 *spectus submitted by the General Services Administration*
 14 *and approved by the Committee on Transportation and In-*
 15 *frastructure of the House of Representatives and the Com-*
 16 *mittee on Environment and Public Works of the Senate.*

17 “(b) *EFFECT ON OTHER SECTIONS.*—*Nothing in this*
 18 *section is intended to affect section 572(b), 573, or 574 of*
 19 *this title.*

20 “(c) *DISPOSAL AGENCY FOR REVERTED PROPERTY.*—
 21 *For the purposes of this section, for any real property that*
 22 *reverts to the United States under sections 550, 553, and*
 23 *554 of this title, the General Services Administration, as*
 24 *the disposal agency, shall be treated as the agency with cus-*

1 *today and accountability for the real property at the time*
 2 *the real property is determined to be excess.*

3 “(d) *NET PROCEEDS.*—*The net proceeds referred to in*
 4 *subsection (a) are proceeds under this chapter, less expenses*
 5 *of the transfer or disposition as provided in section 572(a)*
 6 *of this title, from a—*

7 “(1) *transfer of excess real property to a Federal*
 8 *agency for agency use; or*

9 “(2) *sale, lease, or other disposition of surplus*
 10 *real property.*

11 “(e) *PROCEEDS FROM TRANSFER OR SALE OF PER-*
 12 *SONAL PROPERTY.*—(1) *Except as otherwise provided in*
 13 *this subchapter, proceeds described in paragraph (2) shall*
 14 *be deposited in the Treasury as miscellaneous receipts.*

15 “(2) *The proceeds described in this paragraph are pro-*
 16 *ceeds under this chapter from—*

17 “(A) *a transfer of excess personal property to a*
 18 *Federal agency for agency use; or*

19 “(B) *a sale, lease, or other disposition of surplus*
 20 *personal property.*

21 “(3) *Subject to regulations under this subtitle, the ex-*
 22 *penses of the sale of personal property may be paid from*
 23 *the proceeds of sale so that only the net proceeds are depos-*
 24 *ited in the Treasury. This paragraph applies whether pro-*

1 *ceeds are deposited as miscellaneous receipts or to the credit*
 2 *of an appropriation as authorized by law.”.*

3 **SEC. 206. DEMONSTRATION AUTHORITY.**

4 *(a) IN GENERAL.—Subchapter II of chapter 5 of title*
 5 *40, United States Code, is amended by adding at the end*
 6 *the following new section:*

7 **“§ 530. Demonstration program of inapplicability of**
 8 ***certain requirements of law***

9 *“(a) AUTHORITY.—Effective for fiscal years 2011 and*
 10 *2012, the requirements of section 501(a) of the McKinney*
 11 *Vento Homeless Assistance Act (42 U.S.C. 11411(a)) shall*
 12 *not apply to eligible properties.*

13 *“(b) ELIGIBLE PROPERTIES.—A property is eligible*
 14 *for purposes of subsection (a) if it meets both of the fol-*
 15 *lowing requirements:*

16 *“(1) The property is selected for demolition by*
 17 *an agency and is a Federal building or other Federal*
 18 *real property located on land not determined to be ex-*
 19 *cess, for which there is an ongoing Federal need, and*
 20 *not to be used in any lease, exchange, leaseback ar-*
 21 *rangement, or service agreement.*

22 *“(2) The property is—*

23 *“(A) located in an area to which the general*
 24 *public is denied access in the interest of national*
 25 *security and where alternative access cannot be*

1 *provided for the public without compromising*
 2 *national security; or*

3 “(B) *the property is—*

4 “(i) *uninhabitable;*

5 “(ii) *not a housing unit; and*

6 “(iii) *selected for demolition by an*
 7 *agency because either—*

8 “(I) *the demolition is necessary to*
 9 *further an identified Federal need for*
 10 *which funds have been authorized and*
 11 *appropriated; or*

12 “(II) *the property poses risk to*
 13 *human health and safety or has become*
 14 *an attractive nuisance.*

15 “(c) *LIMITATIONS.—*

16 “(1) *No property of the Department of Veterans*
 17 *Affairs may be considered an eligible property for*
 18 *purposes of subsection (a).*

19 “(2) *With respect to an eligible property de-*
 20 *scribed in subsection (b), the land underlying the*
 21 *property remains subject to all public benefit require-*
 22 *ments and notifications for disposal.*

23 “(d) *NOTIFICATION TO CONGRESS.—(1) A list of each*
 24 *eligible property described in subsection (b) that is demol-*
 25 *ished or scheduled for demolition, by date of demolition or*

1 *projected demolition date, shall be sent to the congressional*
 2 *committees listed in paragraph (2) and published on the*
 3 *Web site of the General Services Administration biannually*
 4 *beginning 6 months after the date of the enactment of this*
 5 *section.*

6 “(2) *The congressional committees listed in this para-*
 7 *graph are as follows:*

8 “(A) *The Committee on Oversight and Govern-*
 9 *ment Reform and the Committee on Transportation*
 10 *and Infrastructure of the House of Representatives.*

11 “(B) *The Committee on Homeland Security and*
 12 *Governmental Affairs and the Committee on Environ-*
 13 *ment and Public Works of the Senate.*

14 “(e) *RELATIONSHIP TO OTHER PROVISIONS OF*
 15 *LAW.—Nothing in this section may be construed as inter-*
 16 *fering with the requirement for the submission of a pro-*
 17 *spectus to Congress as established by section 3307 of this*
 18 *title or for all demolitions to be carried out pursuant to*
 19 *section 527 of this title.”.*

20 (b) *CLERICAL AMENDMENT.—The table of sections at*
 21 *the beginning of chapter 5 of title 40, United States Code,*
 22 *is amended by inserting after the item relating to section*
 23 *529 the following new item:*

“530. *Demonstration program of inapplicability of certain requirements of law.”.*

1 **SEC. 207. PUBLIC BENEFIT CONVEYANCES.**

2 *Nothing in this title or the amendments made by this*
 3 *title shall be construed to modify preferences and priorities*
 4 *for public benefit conveyances to State or local governments*
 5 *or other eligible recipients as authorized under section 550*
 6 *of title 40, United States Code, or other relevant law.*

7 **TITLE III—WAIVER OF RECOV-**
 8 **ERY OF CERTAIN PAYMENTS**
 9 **UNDER DOD CIVILIAN EM-**
 10 **PLOYEES VOLUNTARY SEPA-**
 11 **RATION INCENTIVE PROGRAM**

12 **SEC. 301. AUTHORITY FOR WAIVER OF RECOVERY OF CER-**
 13 **TAIN PAYMENTS PREVIOUSLY MADE UNDER**
 14 **DEPARTMENT OF DEFENSE CIVILIAN EM-**
 15 **PLOYEES VOLUNTARY SEPARATION INCEN-**
 16 **TIVE PROGRAM.**

17 *(a) AUTHORITY FOR WAIVER.—Subject to subsection*
 18 *(c), the Secretary of Defense may waive the requirement*
 19 *under subsection (f)(6)(B) of section 9902 of title 5, United*
 20 *States Code, for repayment to the Department of Defense*
 21 *of a voluntary separation incentive payment made under*
 22 *subsection (f)(1) of such section 9902 in the case of an em-*
 23 *ployee or former employee of the Department of Defense de-*
 24 *scribed in subsection (b).*

1 (b) *PERSONS COVERED.*—Subsection (a) applies to
 2 any employee or former employee of the Department of De-
 3 fense—

4 (1) *who during the period beginning on April 1,*
 5 *2004, and ending on March 1, 2008, received a vol-*
 6 *untary separation incentive payment under sub-*
 7 *section (f)(1) of section 9902 of title 5, United States*
 8 *Code;*

9 (2) *who was reappointed to a position in the De-*
 10 *partment of Defense during the period beginning on*
 11 *June 1, 2004, and ending on May 1, 2008; and*

12 (3) *who, as determined by the Secretary of De-*
 13 *fense—*

14 (A) *before accepting the reappointment re-*
 15 *ferred to in paragraph (2), received a written*
 16 *representation from an officer or employee of the*
 17 *Department of Defense that recovery of the*
 18 *amount of the payment referred to in paragraph*
 19 *(1) would not be required or would be waived,*
 20 *and*

21 (B) *reasonably relied on that representation*
 22 *in accepting reappointment.*

23 (c) *REQUIRED DETERMINATION.*—The Secretary of
 24 Defense may grant a waiver under subsection (a) in the
 25 case of any individual only if the Secretary determines that

1 *recovery of the amount of the payment referred to in that*
 2 *subsection would be against equity and good conscience or*
 3 *would be contrary to the best interests of the United States.*

4 *(d) REFUND.—At the discretion of the Secretary of De-*
 5 *fense, a person who has repaid to the United States all or*
 6 *part of the voluntary separation incentive payment for*
 7 *which repayment is waived under this section may receive*
 8 *a refund of the amount previously repaid to the United*
 9 *States. The Secretary may use funds authorized to be ap-*
 10 *propriated for civilian personnel for fiscal year 2011 or any*
 11 *year thereafter.*

12 ***TITLE IV—PAYGO COMPLIANCE***

13 ***SEC. 401. PAYGO COMPLIANCE.***

14 *The budgetary effects of this Act, for the purpose of*
 15 *complying with the Statutory Pay-As-You-Go Act of 2010,*
 16 *shall be determined by reference to the latest statement titled*
 17 *“Budgetary Effects of PAYGO Legislation” for this Act,*
 18 *submitted for printing in the Congressional Record by the*
 19 *Chairman of the House Budget Committee, provided that*
 20 *such statement has been submitted prior to the vote on pas-*
 21 *sage.*

Amend the title so as to read: “An Act to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, and for other purposes.”.

Attest:

Clerk.

S. 1510

AMENDMENTS